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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCCARTHY,

Plaintiff,

v.

LITTIE B. NASH, et al.,

Defendants.

Case No. 16-cv-02312-HSG

ORDER OF DISMISSAL

On April 27, 2016, Plaintiff Robert McCarthy filed this action against Defendants Trustee Littie B. Nash, Cappo Management XXVIII, and Joe Shaghasi, asserting violation of (1) the Americans with Disabilities Act ("ADA") and (2) California accessibility laws. Dkt. No. 1. On April 28, 2016, the Court entered the standard scheduling order for cases asserting denial of right of access under the ADA. Dkt. No. 4.

On October 18, 2016, the Court issued an order to show cause why Plaintiff had failed to file a "Notice of Need for Mediation" by the Court's September 21, 2016, deadline. Dkt. No. 10. Plaintiff failed to respond to the Court's order to show cause.

On October 25, 2016, the Court issued another order to show cause why the Court should not dismiss this action for failure to prosecute. Dkt. No. 11. In the order, the Court informed Plaintiff that failure to respond would result in dismissal of this action with prejudice. *Id.* Plaintiff again did not respond to the Court's order.

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1   Plaintiff has failed to comply with the Court's scheduling order, respond to the Court's

2   orders to show cause, and otherwise participate in this litigation. The Court finds that Plaintiff has

3   demonstrated that he is unable or unwilling to adequately prosecute this case. Accordingly, the

4   Court DISMISSES this action WITH PREJUDICE under Federal Rule of Civil Procedure 41(b)

5   for failure to prosecute. Both parties shall bear their own costs of suit. The clerk shall close the

6   file.

7   **IT IS SO ORDERED.**

8   Dated: 11/10/2016

9   _____

10   HAYWOOD S. GILLIAM, JR.
                                                                     United States District Judge

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United States District Court
Northern District of California

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